

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA)	<u>I N D I C T M E N T</u>
)	
)	Case No. _____
v.)	
)	Violation: 18 U.S.C. §§ 2252(a)(2),
)	2252(a)(4)(B), 2252(b)(1), 2252(b)(2),
BERNARD JAMES FISCHER)	2253(a), 2422(b), and 3261(a)(2)

COUNT ONE

Distribution of Materials Involving the Sexual Exploitation of Minors

The Grand Jury Charges:

1. From on or about October 24, 2009, and continuing until on or about July 18, 2010, BERNARD JAMES FISCHER, while a member of the Armed Forces and subject to Chapter 47 of Title 10 (the Uniform Code of Military Justice), was deployed by the Armed Forces to Camp Bondsteel, Kosovo;
2. The offense conduct described in Counts One through Three of this Indictment occurred in and around Ferizaj, Kosovo, and outside the United States;
3. The offense conduct described in Counts One through Three of this Indictment would have constituted an offense punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States;
4. On or about December 22, 2010, BERNARD JAMES FISCHER was discharged from the Army National Guard;

5. Venue for the offenses charged in Counts One through Three of this Indictment lies within the District of North Dakota;

6. On or about February 2, 2010,

BERNARD JAMES FISCHER

knowingly distributed visual depictions which had been mailed, shipped, and transported in interstate commerce by any means, including by computer, the production of which visual depictions involved the use of minors engaging in sexually explicit conduct and which depictions were of such conduct;

In violation of Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1), and 3261(a)(2).

COUNT TWO

Distribution of Materials Involving the Sexual Exploitation of Minors

The Grand Jury Further Charges:

1. The Grand Jury realleges and incorporates by reference paragraphs one through five of Count One contained in this Indictment;

2. On or about March 29, 2010,

BERNARD JAMES FISCHER

knowingly distributed visual depictions which had been mailed, shipped, and transported in interstate commerce by any means, including by computer, the production of which visual depictions involved the use of minors engaging in sexually explicit conduct and which depictions were of such conduct;

In violation of Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1), and 3261(a)(2).

COUNT THREE

Receipt of Materials Involving the Sexual Exploitation of Minors

The Grand Jury Further Charges:

1. The Grand Jury realleges and incorporates by reference paragraphs one through five of Count One contained in this Indictment;

2. On or about March 29, 2010,

BERNARD JAMES FISCHER

knowingly received visual depictions which had been mailed, shipped, and transported in interstate commerce by any means, including by computer, the production of which visual depictions involved the use of minors engaging in sexually explicit conduct and which depictions were of such conduct;

In violation of Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1), and 3261(a)(2).

COUNT FOUR

Coercion and Enticement

The Grand Jury Further Charges:

Beginning on or about June 12, 2010, and continuing until on or about August 17, 2010, in the District of North Dakota and elsewhere,

BERNARD JAMES FISCHER

did knowingly use the internet, a facility and means of interstate and foreign commerce, to attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in sexual activity for which he could be charged with a criminal offense under federal, state, and local law, including but not limited to,

Sections 12.1-20-05(1) and 12.1-20-07(1)(f) of the North Dakota Century Code;

In violation of Title 18, United States Code, Section 2422(b).

COUNT FIVE

Possession of Materials Involving the Sexual Exploitation of Minors

The Grand Jury Further Charges:

On or about August 17, 2010, in the District of North Dakota,

BERNARD JAMES FISCHER

knowingly possessed computer files containing visual depictions that had been mailed, shipped, and transported using any means or facility of interstate commerce and in or affecting interstate commerce, and which were produced using materials which had been mailed, shipped, and transported in interstate commerce, by any means, including by computer, the production of which visual depictions involved the use of minors engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct;

In violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FORFEITURE ALLEGATION

Upon conviction of violating Title 18, United States Code, Section 2252, as charged in Counts One, Two, Three, Four, and Five of this Indictment,

BERNARD JAMES FISCHER

shall forfeit to the United States any and all matter which contains visual depictions produced, transported, shipped, and received in violation thereof and any and all property used and intended to be used in any manner and part to commit and to promote the commission of such violation, including, but not limited to, the following:

- HP laptop computer bearing serial No. 2CE8512H78
- 2GB Tough Drive thumb drive
- LG Alltel cell phone bearing
serial No. 004KTLC0095192

By virtue of the commission of one or more of the felony offenses as charged in Counts One, Two, Three, Four, and Five of this Indictment by defendant, all right, title,

and interest in the above-described property is vested in the United States and is hereby forfeited to the United States, pursuant to Title 18, United States Code, Section 2253(a).

A TRUE BILL:

____/s/ Foreperson_____
Foreperson

____/s/ Timothy Q. Purdon_____
TIMOTHY Q. PURDON
United States Attorney

JKP:tla